



General Assembly

January Session, 2009

**Amendment**

LCO No. 9062

\*SB0082609062SD0\*

Offered by:

SEN. HARRIS, 5<sup>th</sup> Dist.

SEN. WITKOS, 8<sup>th</sup> Dist.

REP. RITTER, 38<sup>th</sup> Dist.

To: Senate Bill No. 826

File No. 640

Cal. No. 427

**"AN ACT CONCERNING THE LICENSURE OF CHILD DAY CARE FACILITIES AND YOUTH CAMPS."**

1 Strike line 28 in its entirety and insert the following in lieu thereof:

2 "concerning reports and investigations of suspected child abuse or  
3 neglect, including records of any administrative hearing held pursuant  
4 to section 17a-101k: (1) Occurring at any"

5 In line 68, after "substantiated" insert "after investigation or reversed  
6 after appeal"

7 After the last section, add the following and renumber sections and  
8 internal references accordingly:

9 "Sec. 501. Subsection (f) of section 17a-28 of the general statutes is  
10 repealed and the following is substituted in lieu thereof (*Effective*  
11 *October 1, 2009*):

12 (f) The commissioner or the commissioner's designee shall, upon  
13 request, promptly provide copies of records, without the consent of a  
14 person, to (1) a law enforcement agency, (2) the Chief State's Attorney,  
15 or the Chief State's Attorney's designee, or a state's attorney for the  
16 judicial district in which the child resides or in which the alleged abuse  
17 or neglect occurred, or the state's attorney's designee, for purposes of  
18 investigating or prosecuting an allegation of child abuse or neglect, (3)  
19 the attorney appointed to represent a child in any court in litigation  
20 affecting the best interests of the child, (4) a guardian ad litem  
21 appointed to represent a child in any court in litigation affecting the  
22 best interests of the child, (5) the Department of Public Health, [which  
23 licenses] in connection with: (A) Licensure of any person to care for  
24 children for the purposes of determining the suitability of such person  
25 for licensure, subject to the provisions of sections 17a-101g and 17a-  
26 101k, or (B) an investigation conducted pursuant to section 19a-80f, (6)  
27 any state agency which licenses such person to educate or care for  
28 children pursuant to section 10-145b or 17a-101j, subject to the  
29 provisions of sections 17a-101g and 17a-101k concerning nondisclosure  
30 of findings of responsibility for abuse and neglect, (7) the Governor,  
31 when requested in writing, in the course of the Governor's official  
32 functions or the Legislative Program Review and Investigations  
33 Committee, the joint standing committee of the General Assembly  
34 having cognizance of matters relating to the judiciary and the select  
35 committee of the General Assembly having cognizance of matters  
36 relating to children when requested in the course of said committees'  
37 official functions in writing, and upon a majority vote of said  
38 committee, provided no names or other identifying information shall  
39 be disclosed unless it is essential to the legislative or gubernatorial  
40 purpose, (8) a local or regional board of education, provided the  
41 records are limited to educational records created or obtained by the  
42 state or Connecticut-Unified School District #2, established pursuant to  
43 section 17a-37, (9) a party in a custody proceeding under section 17a-  
44 112 or 46b-129, in the Superior Court where such records concern a  
45 child who is the subject of the proceeding or the parent of such child,  
46 (10) the Chief Child Protection Attorney, or his or her designee, for

47 purposes of ensuring competent representation by the attorneys whom  
48 the Chief Child Protection Attorney contracts with to provide legal and  
49 guardian ad litem services to the subjects of such records and to ensure  
50 accurate payments for services rendered by such contract attorneys,  
51 and (11) the Department of Motor Vehicles, for purposes of checking  
52 the state's child abuse and neglect registry pursuant to subsection (e) of  
53 section 14-44. A disclosure under this section shall be made of any part  
54 of a record, whether or not created by the department, provided no  
55 confidential record of the Superior Court shall be disclosed other than  
56 the petition and any affidavits filed therewith in the superior court for  
57 juvenile matters, except upon an order of a judge of the Superior Court  
58 for good cause shown. The commissioner shall also disclose the name  
59 of any individual who cooperates with an investigation of a report of  
60 child abuse or neglect to such law enforcement agency or state's  
61 attorney for purposes of investigating or prosecuting an allegation of  
62 child abuse or neglect. The commissioner or the commissioner's  
63 designee shall, upon request, subject to the provisions of sections 17a-  
64 101g and 17a-101k, promptly provide copies of records, without the  
65 consent of the person, to (A) the Department of Public Health for the  
66 purpose of determining the suitability of a person to care for children  
67 in a facility licensed under sections 19a-77 to 19a-80, inclusive, 19a-82  
68 to 19a-87, inclusive, and 19a-87b, and (B) the Department of Social  
69 Services for determining the suitability of a person for any payment  
70 from the department for providing child care.

71 Sec. 502. Subsection (l) of section 17a-28 of the general statutes is  
72 repealed and the following is substituted in lieu thereof (*Effective*  
73 *October 1, 2009*):

74 (l) Information disclosed from a person's record shall not be  
75 disclosed further without the written consent of the person, except if  
76 disclosed (1) pursuant to the provisions of section 19a-80f, or (2) to a  
77 party or his counsel pursuant to an order of a court in which a criminal  
78 prosecution or an abuse, neglect, commitment or termination  
79 proceeding against the party is pending. A state's attorney shall  
80 disclose to the defendant or his counsel in a criminal prosecution,

81 without the necessity of a court order, exculpatory information and  
82 material contained in such record and may disclose, without a court  
83 order, information and material contained in such record which could  
84 be the subject of a disclosure order. All written records disclosed to  
85 another individual or agency shall bear a stamp requiring  
86 confidentiality in accordance with the provisions of this section. Such  
87 material shall not be disclosed to anyone without written consent of  
88 the person or as provided by this section. A copy of the consent form  
89 specifying to whom and for what specific use the record is disclosed or  
90 a statement setting forth any other statutory authorization for  
91 disclosure and the limitations imposed thereon shall accompany such  
92 record. In cases where the disclosure is made orally, the individual  
93 disclosing the information shall inform the recipient that such  
94 information is governed by the provisions of this section.

95 Sec. 503. Section 19a-77 of the general statutes is repealed and the  
96 following is substituted in lieu thereof (*Effective from passage*):

97 (a) As used in sections 19a-77 to 19a-80, inclusive, and sections 19a-  
98 82 to 19a-87, inclusive, "child day care services" shall include:

99 (1) A "child day care center" which offers or provides a program of  
100 supplementary care to more than twelve related or unrelated children  
101 outside their own homes on a regular basis;

102 (2) A "group day care home" which offers or provides a program of  
103 supplementary care (A) to not less than seven or more than twelve  
104 related or unrelated children on a regular basis, or (B) that meets the  
105 definition of a family day care home except that it operates in a facility  
106 other than a private family home;

107 (3) A "family day care home" which consists of a private family  
108 home caring for not more than six children, including the provider's  
109 own children not in school full time, where the children are cared for  
110 not less than three or more than twelve hours during a twenty-four-  
111 hour period and where care is given on a regularly recurring basis  
112 except that care may be provided in excess of twelve hours but not

113 more than seventy-two consecutive hours to accommodate a need for  
114 extended care or intermittent short-term overnight care. During the  
115 regular school year, a maximum of three additional children who are  
116 in school full time, including the provider's own children, shall be  
117 permitted, except that if the provider has more than three children  
118 who are in school full time, all of the provider's children shall be  
119 permitted;

120 (4) "Night care" means the care provided for one or more hours  
121 between the hours of 10:00 p.m. and 5:00 a.m.;

122 (5) "Year-round" program means a program open at least fifty  
123 weeks per year.

124 (b) For licensing requirement purposes, child day care services shall  
125 not include such services which are:

126 (1) (A) Administered by a public school system, or (B) administered  
127 by a municipal agency or department and located in a public school  
128 building;

129 (2) Administered by a private school which is in compliance with  
130 section 10-188 and is approved by the State Board of Education or is  
131 accredited by an accrediting agency recognized by the State Board of  
132 Education;

133 (3) Classes in music, dance, drama and art that are no longer than  
134 two hours in length; classes that teach a single skill that are no longer  
135 than two hours in length; library programs that are no longer than two  
136 hours in length; scouting; programs that offer exclusively sports  
137 activities; rehearsals; academic tutoring programs; or programs  
138 exclusively for children thirteen years of age or older;

139 (4) Informal arrangements among neighbors or relatives in their  
140 own homes, provided the relative is limited to any of the following  
141 degrees of kinship by blood or marriage to the child being cared for or  
142 to the child's parent: Child, grandchild, sibling, niece, nephew, aunt,

143     uncle or child of one's aunt or uncle;

144         (5) Drop-in supplementary child care operations for educational or  
145 recreational purposes and the child receives such care infrequently  
146 where the parents are on the premises;

147         (6) Drop-in supplementary child care operations in retail  
148 establishments where the parents are on the premises for retail  
149 shopping, in accordance with section 19a-77a, provided that the drop-  
150 in supplementary child-care operation does not charge a fee and does  
151 not refer to itself as a child day care center;

152         (7) Drop-in programs administered by a nationally chartered boys'  
153 and girls' club; or

154         (8) Religious educational activities administered by a religious  
155 institution exclusively for children whose parents or legal guardians  
156 are members of such religious institution.

157         (c) No registrant or licensee of any child day care services as defined  
158 in subsection (a) of this section shall be issued an additional  
159 registration or license to provide any such services at the same facility.

160         (d) When a licensee has vacated premises approved by the  
161 department for the provision of child day care services and the  
162 landlord of such licensee establishes to the satisfaction of the  
163 department that such licensee has no legal right or interest to such  
164 approved premises, the department may make a determination with  
165 respect to an application for a new license for the provision of child  
166 day care services at such premises."